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9 (STATE BAR NUMBER 003813)

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11 IN THE SUPREME COURT OF THE STATE OF ARIZONA
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14 In the Matter of

Supreme Court No. R-05-0036

15 PETITION TO AMEND RULE 18,
16 ARIZONA RULES OF CIVIL APPELLATE
17 PROCEDURE (ORAL ARGUMENTS)

MARICOPA COUNTY ATTORNEY'S
COMMENT IN SUPPORT OF THE
PETITION TO AMEND RULE 18,
ARIZONA RULES OF CIVIL
APPELLATE PROCEDURE

18 The Maricopa County Attorney hereby comments in support of the Petition to amend Rule 18,
19 Ariz. Rules of Civil Appellate Procedure.

20 Respectfully submitted this 22nd day of May, 2006.

21 ANDREW P. THOMAS
22 MARICOPA COUNTY ATTORNEY

23 BY:

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25 PHILIP J. MACDONNELL
26 CHIEF DEPUTY
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The Maricopa County Attorney believes that the proposed amendment to Rule 18, Arizona Rules
3 of Civil Appellate Procedure, is appropriate and worthy of adoption. As pointed out in the Petition for
4 Amendment, Rule 18 in its current form creates a potential trap for a conscientious appellee. While the
5 laudable goal of maximizing judicial economy is best promoted by requesting oral argument only when
6 necessary, the present Rule 18 requires a cautious practitioner to make an oral argument request in most
7 every case "just in case". Petitioner notes that while a Reply Brief is limited to responding to the issues
8 raised in the Answering Brief, reality teaches that this is not always so. Moreover, even when the Reply
9 Brief is appropriately limited, it may still present its arguments in a fashion which is best addressed by
10 oral argument.
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13 The proposed amendment will provide balance to the appellate process while allowing appellees
14 to seek oral argument only when necessary. Appellants will not be adversely affected. The proposed
15 amendment should be adopted.

16 Respectfully submitted this 22 day of May, 2006.

17 ANDREW P. THOMAS
18 MARICOPA COUNTY ATTORNEY

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20 BY: Philip J. MacDonnell
21 PHILIP J. MACDONNELL
22 CHIEF DEPUTY

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24 Copies of the forgoing hand delivered
25 this 22nd day of May, 2006 to:

26 Clerk of the Court
27 Arizona Supreme Court
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